UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/682,294	10/09/2003	Stephen A. Smith	124589.00001	9358

25555 7590 04/02/2008
JACKSON WALKER LLP
901 MAIN STREET
SUITE 6000
DALLAS, TX 75202-3797

EXAMINER	
LAEKEMARIAM, YOSEF K	
ART UNIT	PAPER NUMBER
2614	
MAIL DATE	DELIVERY MODE
04/02/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	**Application No.** 10/682,294	**Applicant(s)** SMITH ET AL.	
	Examiner YOSEF K. LAEKEMARIAM	**Art Unit** 2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *09 October 2003*.
2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-26* is/are pending in the application.
  4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) *1-26* is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☒ The drawing(s) filed on *09 October 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.
  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  a)☐ All b)☐ Some * c)☐ None of:
    1.☐ Certified copies of the priority documents have been received.
    2.☐ Certified copies of the priority documents have been received in Application No. _____.
    3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
  * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
  Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
  Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rose et al. (US 6396840) in view of Golden et al. (US 6452924).

Regarding claim 1, Rose teaches a system for facilitating a broadband telecommunications path (Col.2 lines 40-51 and Col.6 lines 38-42), comprising: a non-broadband guide-wire (Col.1 lines 20-24 and Col.6 lines 52-56; Rose discuses hardwired interconnected networks, therefore non-broadband guide-wire); a high bandwidth channel (Col.1 lines 45-50 and Col.4 lines 28-30; Rose discuses H.323 video or audio channel, therefore high bandwidth channel); a means for correlating a user of the non-broadband guide-wire and a high bandwidth channel (Col.2 lines 17-24 and Col.2 lines 52-60); the non-broadband guide-wire adapted to determine a path for a high bandwidth channel (Col.6 lines 33-43, Col.14 lines 60-67 and Col.15 lines 1-10; Rose discuses local area network, therefore non-broadband guide-wire);

Rose does not specifically disclose a means for using the non-broadband guide wire to allocate the high bandwidth channel dynamically as user calls are established and terminated.

Golden teaches a means for using the non-broadband guide wire to allocate the high bandwidth channel dynamically as user calls are established and terminated (Col.36 lines 44-67, Col.37 lines 1-58 and Col.51 lines 1-64; Golden discuses switched-circuit connection, therefore non-broadband guide wire).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Rose, and have a means for using the non-broadband guide wire to allocate the high bandwidth channel dynamically as user calls are established and terminated, as taught by Golden, thus allowing more efficient system to use non-broadband guide wire to allocate the high bandwidth channel, as discussed by Golden (Col.51 lines 1-64).

Regarding claim 17, Rose teaches a system for using a public switched telecommunications network (PSTN) as a guide wire for a broadband network (Col.2 lines 17-24 and Col.3 lines 39-44; Rose discuses WAN, therefore PSTN), comprising: a special network manager being connected to the PSTN and a broadband network (Col.14 lines 2-19, Col.14 lines 56-67 and Fig.5, 120.; Rose shows connection supervisor, therefore a special network manager); the special network manager being adapted to use the PSTN to determine the end points for a call (Col.3 lines 1-12, Col.14 lines 31-40, Col.16 lines 12-40 and Fig.5, 10, 120; Rose discuses intermediate network, therefore PSTN);

Rose does not specifically disclose the special network manager being adapted to use the PSTN to trigger a broadband network to be setup, torn down, and modified according to predetermined commands.

Golden teaches the special network manager being adapted to use the PSTN to trigger a broadband network to be setup, torn down, and modified according to predetermined commands (Col.37 lines 52-67 and Col.38 lines 1-24; Golden discuses connection management software, therefore special network manager).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Rose, and have special network manager being adapted to use the PSTN to trigger a broadband network to be setup, torn down, and modified according to predetermined commands, as taught by Golden, thus allowing more efficient network manager to trigger a broadband network, as discussed by Golden (Col.38 lines 1-24)

Regarding claim 18, Rose teaches a method for managing a SS7 triggered broadband communication session (Col.10 lines 24-36), comprising: initiating, by a first termination point (Col.10 lines 24-41 and Fig.5, 110, 112, 115, 116, 118), a first communication session processible by an SS7 network to a second termination point (Col.11 lines 64-67 and Fig.5 115-119; Rose shows subscriber terminal attach to exchange, therefore a second termination point) , the first communication session indicating a broadband communication session is intended between the first and second termination points (Col.11 lines 62-67 and Fig.5 110, 115, 119); checking whether the broadband communication session can be established between the first and second termination points (Col.6 lines 33-55; Rose discuses path and channel identifier, therefore checking whether the broadband communication session can be established); determining a communication path for the broadband communication session (Col.6 lines 33-43, Col.14 lines 60-67 and Col.15 lines 1-10); provisioning one or more network resources for the broadband communication session through the determined communication path (Col.5 lines 5-15 and Col.7 lines 38-49 and Fig.2; Rose discuses communication resource, therefore network resource);

Rose does not specifically disclose terminating the first communication session upon an initiation of the broadband communication session.

Golden teaches terminating the first communication session upon an initiation of the broadband communication session (Col.37 lines 52-67 and Col.38 lines 1-24).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Rose, and have terminating the first communication session upon an initiation of the broadband communication session, as taught by Golden, thus allowing more efficient method to terminate the communication session, as discussed by Golden (Col.37 lines 52-67 and Col.38 lines 1-24).

Considering claim 2, Rose and Golden together taught the system of claim 1, as described above. Golden further teaches the non-broadband guide wire comprises the public switched telephone network ("PSTN") (Col.56 lines 10-15 and Col.56 lines 48-65; Golden discuses premises switch coupled to circuit-switched, therefore non-broadband guide wire).

Considering claim 3, Rose and Golden together taught the system of claim 2, as described above. Rose further teaches the PSTN non-broadband guide wire utilizes the SS7 network protocol (Col.2 lines 52-60 and Col.4 lines 3-18; Rose discuses signaling protocols, therefore SS7 network protocol).

Considering claim 4, Rose and Golden together taught the system of claim 3, as described above. Rose further teaches the SS7 network is used to set up the high bandwidth channel, utilizing the end points for termination points and traversed switches as guides to set up the most efficient path (Col.10 lines 24-45).

Considering claim 5, Rose and Golden together taught the system of claim 4, as described above. Golden further teaches to adapted to make use of the spare capacity of a SONET or DCS network for setting up and tearing down the high bandwidth channel paths (Col.21 lines 7-28);

and the system adapted to allocate bandwidth dynamically as calls are established and terminated (Col.51 lines 34-52).

Considering claim 6, Rose and Golden together taught the system of claim 1, as described above. Golden further teaches the system being adapted to first establish a DS0 call (Col.38 lines 62-67 and Col.39 lines 1-9); the system being adapted to query a called party to determine if it is equipped to set up a high bandwidth channel (Col.8 lines 52-64; Golden discuses software determining the user connection, therefore query a called party); the system being adapted to establish a DS0 call if the called party is unable to set up a high bandwidth channel; and the system being adapted to initiate a high bandwidth channel if a called party is able to support a high bandwidth channel (Col.8 lines 52-64).

Considering claim 7, Rose and Golden together taught the system of claim 6, as described above. Golden further teaches a system comprising a means for allocating the high bandwidth channel comprising: a database for customers comprising a number of DS1s/VT1.5 granulars unit or bearer channels adapted to be allocated for the broadband call (Col.5 lines 26-45 and Col.47 lines 25-33); a special network manager adapted to query resources along a broadband path (Col.3 lines 16-21 and Col.41 lines 38-56); the special network manager being adapted to coordinate the traversal of network elements that can be remotely provisioned (Col.6 lines 23-35); the special network manager being adapted to support DS1 or VT1.5 granular unit provisioning (Col.41 lines 46-53 and Col.42 lines 47-63); the database for customers and special network manager being coupled to facilitate the provisioning and tracking of the high bandwidth services (Col.40 lines 17-29 and Col.41 lines 46-60).

Considering claim 8, Rose and Golden together taught the system of claim 7, as described above. Golden further teaches a system wherein the special network manager is adapted to allocate higher granular units, including STS1 units (Col.2 lines 53-60; Golden discuses network control and user software, therefore special network manager).

Considering claim 9, Rose and Golden together taught the system of claim 8, as described above. Rose further teaches a system wherein the special network manager is adapted to network elements that have spare capacity (Col.2 lines 12-24)

Considering claim 10, Rose and Golden together taught the system of claim 9, as described above. Rose further teaches the special network manager is adapted to permit the high channel bandwidth can cross LATA and carrier boundaries by passing through gateway network elements (Col.3 lines 13-38).

Considering claim 11, Rose and Golden together taught the system of claim 7, as described above. Golden further teaches the special network manager being adapted to determine the best path for the high bandwidth channel (Col.46 lines 52-67 and Col.52 lines 19-28); and the special network manager being adapted to reserve the resources necessary to implement the high bandwidth channel (Col.50 lines 18-21; Golden discuses network control server, therefore special network manager).

Considering claim 12, Rose and Golden together taught the system of claim 11, as described above. Golden further teaches the special network manager is adapted to issue a series of provisioning commands to all of the targeted network elements in order to provision the high bandwidth channels (Col.26 lines 35-54 and Col.47 lines 34-53).

Considering claim 13, Rose and Golden together taught the system of claim 12, as described above. Golden further teaches the system wherein the special network manager is adapted to issue supervision tones or messages to a user concerning the status of a high bandwidth channel (Col.51 lines 34-52 and Col.52 lines 19-45; Golden discuses route controller, therefore special network manager).

Considering claim 14, Rose and Golden together taught the system of claim 13, as described above. Golden further teaches the system comprising the special network manager being located between the SS7 network (Col.50 lines 37- 46) and the EMS systems of the individual network elements (Col.50 lines 37-63 and Fig.49; Golden discuses network control system server, therefore network manager).

Considering claim 15, Rose and Golden together taught the system of claim 14, as described above. Golden further teaches the special network manager being adapted to communicate with the EMS network over a standard CORBA interface, or TL1 or SNMP (Col.43 lines 26-35).

Considering claim 16, Rose and Golden together taught the system of claim 1, as described above. Golden further teaches broadband nodes on the high bandwidth channel comprise HDSL (HDSL2/4) line cards with concentration mechanisms operable to oversubscribe network bandwidth (Col.26 lines 8-19, Col.27 lines 1-17 and Col.43 lines 36-56).

Considering claim 19, Rose and Golden together taught the method for managing a SS7 triggered broadband communication session of claim 18, as described above. Rose further teaches the PSTN network as a guide-wire for the broadband communication session (Col.2 lines 17-24 and Col.3 lines 39-44; Rose discuses WAN, therefore PSTN).

Considering claim 20, Rose and Golden together taught the method for managing a SS7 triggered broadband communication session of claim 18, as described above. Golden further teaches switching the broadband network at the SONET, ADM and/or DCS level (Col.3 lines 4-21 and Col.5 lines 54-67).

Considering claim 21, Rose and Golden together taught the method for managing a SS7 (Fig.6, 14) triggered broadband communication session of claim 18, as described above. Rose further teaches utilizing a call center (Fig.6, 152, 154) to gain information about the end stations and triggers the broadband network via an interface to the SS7 based on provisioned information (Col.8 lines 53-67 and Col.9 lines 1-27; Rose discuses signaling protocol, Therefore SS7).

Considering claim 22, Rose and Golden together taught the method for managing a SS7 triggered broadband communication session of claim 18, as discussed above. Rose further teaches utilizing a self discovering algorithm whereby a system can determine its self domain broadband network and receive neighboring domain information (Col.17 lines 44-67 and Col.18 lines 1-14; Rose discuses Ethernet address, therefore domain information).

Considering claim 23, Rose and Golden together taught the method for managing a SS7 triggered broadband communication session of claim 22, as described above. Golden further teaches identifying a mechanism for utilizing a hierarchical management network to provide wider area and/or global area routing information (Col.46 lines 8-17 and Col.47 lines 34-57).

Considering claim 24, Rose and Golden together taught the method for managing a SS7 triggered broadband communication session of claim 18, as discussed above. Rose further teaches utilizing linkages between information stored in the SS7's SCP and the broadband management system (Col.9 lines 21-40, Col.11 lines 47-53 and fig.5 and fig.6, 154).

Considering claim 25, Rose and Golden together taught the method for managing a SS7 triggered broadband communication session of claim 18, as described above. Golden further teaches utilizing routing algorithms based on the routing concept of advanced intelligent network, broadband network and IP network (Col.37 lines 52-65, Col.46 lines 29-58 and Col.50 lines 19-36).

Considering claim 26, Rose and Golden together taught the method for managing a SS7 triggered broadband communication session of claim 25, as described above. Golden further teaches collecting relevant network data from the SS7 network and broadband network into special routing databases (Col.46 lines 59-67; Golden discuses list of paths stored in disk array, therefore routing database); and based on called and calling subscriber data, finding the shortest routing path in the special routing database between two termination points in the broadband network (Col.46 lines 52-67 and Col.52 lines 19-28).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to YOSEF K. LAEKEMARIAM whose telephone number is (571) 270-5149. The examiner can normally be reached on Regular hours 8:30am-5:30pm M - F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, AHMAD MATAR can be reached on (571) 272-7488. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/YOSEF K LAEKEMARIAM/
Examiner, Art Unit 2614
03-26-2008

/Ahmad F. MATAR/
Supervisory Patent Examiner, Art Unit 2614